REMARKS

This is a full and timely response to the outstanding non-final Office Action

mailed November 15, 2007.   The Examiner is thanked for the thorough examination of

the present application.   Upon entry of this response, claims 1, 2, and 5-36 are pending

in the present application.   Claims 1-2 and 5-13 are rejected under 35 U.S.C. §103(a)

as allegedly being unpatentable over Yamada et al. (U.S. Pat. No. 6,490,683,

hereinafter "Yamada"), in view of Ohgake (U.S. Pub. No. 2001/0044887), further in view

of Geeslin (U.S. Pub. No. 2002/0064113).   Claims 14-28 and 30 are rejected under 35

U.S.C. §103(a) as allegedly being unpatentable over Yamada, in view of Ohgake,

further in view of Geeslin, further in view of Ando et al. (U.S. Pat. No. 6,907,187,

hereinafter Ando).   Claim 29 is rejected under 35 U.S.C. §103(a) as allegedly being

unpatentable over Yamada, in view of Ohgake, further in view of Geeslin, further in view

of Ando, further in view of Serpa (U.S. Pat. No. 6,954,862).   Claims 31-36 are rejected

under 35 U.S.C. §103(a) as allegedly being unpatentable over Yamada, in view of

Ohgake, further in view of Geeslin, further in view of Serpa.

As indicated above, Applicant has amended various claims to correct minor,

grammatical errors and submit that no new matter is added.   Applicant respectfully

requests consideration of the following remarks contained herein.   Reconsideration and

allowance of the application and presently pending claims are respectfully requested.

I.   Response to Claim Rejections Under 35 U.S.C. § 103

The USPTO has the burden under section 103 to establish a *prima facie* case of obviousness according to the factual inquiries expressed in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966).   The four factual inquires, also expressed in MPEP §2141, are as follows:

(A)   Determining the scope and contents of the prior art;

(B)   Ascertaining the differences between the prior art and the claims in issue;

(C)   Resolving the level of ordinary skill in the pertinent art; and

(D)   Evaluating evidence of secondary considerations.

For a proper rejection of the claim under 35 U.S.C. §103, the cited combination of references must disclose, teach or suggest all elements / features of the claim at issue. See, e.g., *In re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988) and *In re Keller*, 208 U.S.P.Q.2d 871, 881 (C.C.P.A. 1981).   For at least the reasons set forth below, Applicant traverses the rejections set forth.

Independent Claim 1

Applicants respectfully submit that independent claim 1 patently defines over Yamada, in view of Ohgake, further in view of Geeslin for at least the reason that the combination fails to disclose, teach or suggest the features emphasized below in claim 1.

Claim 1 recites (emphasis added):

> 1. A method for encoding a confidential optical disc with a burner, the method comprising the steps of:
> receiving a signal for creating the confidential optical disc to switch a burner into a burning mode;

setting a data-accessing password for future verification, ***wherein the data-accessing password is placed to a secret file set descriptor and allocated on any unoccupied space of an optical disc***;

 selecting one of data sources for public viewing and confidential viewing data to be burned on the disc;

 receiving a start burn signal to begin a data encoding process;

 creating a temporary file system as a buffer that includes two stages:

   creating a standard file set, and

   creating a parallel file set with real data; and

 burning the buffer to the optical disc to produce the confidential optical disc.

Applicant has amended claim 1 only to make minor, cosmetic changes for purposes of clarity. Applicant respectfully submits that no new matter is added by the amendments. Before addressing the rejection set forth in the Office Action, Applicant believes that a general review of the claimed embodiment in claim 1 would be beneficial to aid in emphasizing certain features. As indicated above, clam 1 recites a method for encoding a confidential optical disc with a burner. The method includes a first step of receiving signal for creating a <u>confidential optical disc</u> to switch a burner into <u>a burning mode</u>. The next step includes setting a <u>data-accessing password</u> for future verification. Furthermore, the data-accessing password is placed to a <u>secret file set descriptor</u> and allocated on any <u>unoccupied space of an optical disc</u>. Next, the method includes selecting one of data sources for <u>public viewing</u> and <u>confidential viewing data</u> to be burned on the disc. A start burn signal is received to begin the data encoding process. A <u>temporary file system</u> is created as a buffer that includes two stages: 1)creating standard file set; and 2) creating parallel file set with real data. The buffer is then burned to an optical disc in order to produce the confidential optical disc.

The Office Action relies on the Yamada reference as the primary reference in alleging that Yamada teaches most of the features in claim 1. The Office Action, however, concedes that the Yamada reference fails to disclose the step of "selecting one of data sources for public viewing and confidential viewing data to be burned on the disc." The Office Action also apparently concedes that Yamada fails to disclose the limitation, "wherein the data-accessing password is placed to a secret file set descriptor and allocated on any unoccupied space of an optical disc," as the Office Action relies on the Geeslin reference to teach this feature. (*See* Office Action page 3.) Applicant respectfully disagrees, however, and submits that Geeslin fails to teach this limitation.

With reference to the text passages cited by the Office Action, Geeslin teaches that "password (PSBP) 114 [is] located in the implementation use volume descriptor 110." (Par. 0034). The Office Action apparently equates the "implementation use volume descriptor" disclosed by Geeslin with the "secret file set descriptor" recited in claim 1. As known by those skilled in the art, however, the "implementation use volume descriptor" is a volume descriptor defined by the DVD standard. In this regard, Applicant submits that the two are not equivalent. Claim 1 explicitly recites a *secret* file set descriptor. The secret file set descriptor is pointed by the address stored in the sequence (*see* operation 302 in FIG. 3) and can only be found by the optical disc player/reader using the method according to the present invention. In particular, the secret file set descriptor stores a preset address that points to a root directory record of a real directory tree in the UDF system.

Furthermore, Applicant points out that the specification for the application separately discloses an "implementation use volume descriptor." (*See* specification,

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paragraph 0026: "In addition, there are other descriptors in the UDF bridge file system 300 such as <u>implementation use volume descriptor 316</u>, primary volume descriptor 318, partition descriptor 320, logical volume descriptor 322 and unallocated space descriptor 324. These descriptors can also store information (e.g. directory tree) if there is any unused space in them."   At most, the "implementation use volume descriptor" taught by Geeslin correlates with this element taught by Applicant (although Applicant does not admit this).   In this regard, Applicant submits that the "secret file set descriptor" recited in claim 1 above is different from the implementation use volume descriptor recited in Geeslin.   Furthermore, the Yamada reference and the Ohgake reference fail to teach this feature.

For at least the foregoing reasons, Applicant respectfully submits that independent claim 1 patently defines over Yamada, in view of Ohgake, further in view of Geeslin for at least the reason that the combination fails to disclose, teach or suggest the highlighted features in claim 1 above.

Dependent Claims 2, 5-30 are Patentable

Applicants submit that dependent claims 2, 5-30 are allowable for at least the reason that these claims depend from an allowable independent claim.   *See, e.g., In re Fine*, 837 F. 2d 1071 (Fed. Cir. 1988).

Additionally and notwithstanding the foregoing reasons for the allowability of claim 1, these dependent claims recite further features/steps and/or combinations of features/steps, as apparent by examination of the claims themselves, that are patentably distinct from the prior art of record.   Hence, there are other reasons why these dependent claims are allowable.

Independent Claim 31

Applicants respectfully submit that independent claim 31 patently defines over

Yamada, in view of Ohgake, further in view of Geeslin, further in view of Ando for at

least the reason that the combination fails to disclose, teach or suggest the features

emphasized below in claim 31.

Claim 31 recites (emphasis added):

> 31. A method for reading and decoding a confidential optical
> disc produced by claim 1, the method comprising the steps of:
> a player reading optical disc data;
> ***receiving a view confidential data command signal***;
> requesting entry of a data-accessing password;
> determining if the password entry reaches a predetermined
> limitation;
> if the password entry does not reach the predetermined
> limitation, checking if a correct ID field exists;
> if the ID field exists in the optical disc, checking if the entered
> password is correct;
> if the entered password is correct, playing/reading real data;
> and
> ending the playing/reading session.

Applicant has amended claim 1 only to make minor, cosmetic changes for

purposes of clarity. Applicant respectfully submits that no new matter is added by the

amendments. Applicant respectfully submits that the Yamada, Ohgake, Geeslin, and

Ando references all fail to teach, individually or in combination, the feature emphasized

above in claim 31.

The Office Action alleges that both the Yamada reference and the Ohgake

reference teach of "receiving a view confidential data command signal." Applicant

respectfully disagrees. In the text cited by the Office Action, Yamada teaches that

"[w]hen reproducing data from the data recording medium, both the <u>user password in</u>

the file identifier descriptor FID and the password in the electronic watermark data are read out and compared to each other. This process determines whether a third party has renewed the file data." (Yamada, Col. 19, line 66 – Col. 20, line 2). However, Yamada only teaches of performing a comparison between a user password in the file identifier descriptor FID and a password in the electronic watermark data. Nowhere does Yamada disclose the step of "receiving a view confidential data command signal." Regarding the Ohgake reference, Ohgake teaches that "[t]he disclosure level indicates a level specifying an information area in the optical disk 1_{new} accessible by each user. . ." (Ohgake, Par. 0030). Furthermore, Ohgake teaches the following:

> If it is determined at the step S1 that the optical disk 1 includes the record-medium identification information "d", the record-medium accessing software 12 determines that the optical disk 1 is the peculiar optical disk 1_{new} according to the present invention, and proceeds to a step S2. At the step S2, the record-medium accessing software 12 requests a user to input qualification information such as a password, as well as the disclosure level "n", for determining whether the user is an authorized or permitted user.

(Par. 0038). While Ohgake teaches of determining whether the optical disk (1) includes the record-medium identification information, nowhere does the Ohgake teach of receiving a view confidential data command signal. The step of requesting a user to input qualification information such as a password, as taught by Ohgake, is not equivalent to this feature recited in claim 31. The "view confidential data command signal" in claim 31 is important as the player will only show and play dummy data unless a view confidential disc command is received. (As an example, this signal might be sent by specified players.) Neither Yamada nor Ohgake teach this feature.

Furthermore, the Geeslin and Serpa references do not appear to address this deficiency.

Accordingly, Applicant respectfully submits that independent claim 31 patently defines over Yamada, in view of Ohgake, further in view of Geeslin, further in view of Ando for at least the reason that the combination fails to disclose, teach or suggest the highlighted features in claim 31 above.

Dependent Claims 32-36 are Patentable

Applicants submit that dependent claims 32-36 are allowable for at least the reason that these claims depend from an allowable independent claim.   *See, e.g., In re Fine*, 837 F. 2d 1071 (Fed. Cir. 1988).

Additionally and notwithstanding the foregoing reasons for the allowability of claim 31, these dependent claims recite further features/steps and/or combinations of features/steps, as apparent by examination of the claims themselves, that are patentably distinct from the prior art of record.   Hence, there are other reasons why these dependent claims are allowable.

CONCLUSION

Applicant respectfully submits that all pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephone conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

No fee is believed to be due in connection with this amendment and response to Office Action. If, however, any fee is believed to be due, you are hereby authorized to charge any such fee to deposit account No. 20-0778.

Respectfully submitted,

/Daniel R. McClure/

Daniel R. McClure
Reg. No. 38,962

THOMAS, KAYDEN, HORSTEMEYER
& RISLEY, L.L.P.
600 Galleria Parkway NW
Suite 1500
Atlanta, Georgia 30339
(770) 933-9500

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